



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 12, 2011

Chief Todd A. Radford
Chief of Police
City of Lakeway Police Department
104 Cross Street
Lakeway, Texas 78734-4465

OR2011-18213

Dear Chief Radford:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 438662.

The City of Lakeway (the "city") received a request for (1) the Lakeway Police Department (the "department") radio transmissions involving a named officer from a specified time period, (2) specified messages sent and received by the department's computer system from this same time period, and (3) a specified 9-1-1 call. You inform us the city has released the information responsive to item two of the request. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the Bee Cave Police Department's incident report you have submitted, which we have marked, is not responsive to the present request for the department's radio transmissions and 9-1-1 call. This ruling does not address the public availability of the non-responsive information, and the city need not release such information in response to this request.

You raise section 552.108(a)(1) of the Government Code for the responsive submitted information. Section 552.108(a)(1) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108 must reasonably explain how and why the release of the

requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). Section 552.108 may be invoked by the proper custodian of information relating to an investigation or prosecution of criminal conduct. Open Records Decision No. 474 at 4-5 (1987). You provide a representation from the Travis County Attorney's Office (the "county attorney") asserting the information at issue pertains to a pending criminal prosecution and release of this information would interfere with the county attorney's prosecution of the alleged crime. Based on this representation and our review, we conclude release of this information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd per curiam*, 536 S.W.2d 559 (Tex. 1976). Therefore, the responsive submitted information may be withheld under section 552.108(a)(1) of the Government Code.¹

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/agn

Ref: ID# 438662

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address your remaining argument against disclosure.